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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 LANCE P. MCDERMOTT,

11 Plaintiff,

12 v.

13 U.S. POSTAL SERVICE, et al.,

14 Defendants.

CASE NO. C19-0869JLR

ORDER DISMISSING CASE

15 Before the court is Plaintiff Lance P. McDermott's proposed complaint against  
16 Defendants U.S. Postal Service and U.S. Postmaster General Megan Brennan. (Pr.  
17 Compl. (Dkt. # 1).) Mr. McDermott is subject to a pre-filing order in this court that  
18 requires him to comply with certain steps before the court will issue a summons or  
19 service of process. *See McDermott v. U.S. Postal Serv.*, No. C16-0377JCC, Dkt. # 31  
20 ("Bar Order") at 6-9. The court's pre-filing order explains that for any *pro se* complaint  
21 filed by Mr. McDermott:

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- 1           *i.*       The assigned Court will review the proposed Complaint to determine  
2               whether good cause exists to permit the action to proceed in light of  
3               the claims raised therein and Mr. McDermott’s past litigation abuses.  
4               The proposed Complaint shall comply with Fed. R. Civ. P. 8(a) and  
5               provide a clear statement of the factual and legal basis for each claim  
6               asserted, specifically identifying each Defendant against whom the  
7               claim is asserted. The proposed Complaint shall be accompanied by  
8               a signed statement explaining, on a claim-by-claim basis, (a) whether  
9               each claim was raised in any prior action (with an appropriate citation)  
10              and (b) why each claim is not barred by collateral estoppel, *res*  
              *judicata*, and/or an applicable immunity.
- 11           *ii.*       If the Court determines that good cause has not been shown, the action  
12               will be dismissed *sua sponte* without further notice. If the Court also  
13               determines that sanctions are appropriate, those shall be imposed at  
14               the same time the action is dismissed. Mr. McDermott shall have an  
15               opportunity to explain why sanctions should not be imposed in a  
16               post-Judgment Motion for Reconsideration filed within ten days of  
17               the Judgment.

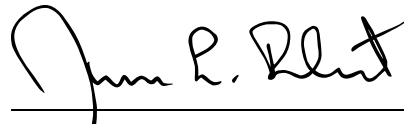
18       *Id.* at 9. In entering this pre-filing order, the court noted that Mr. McDermott had filed 11  
19       lawsuits against the U.S. Postal Service and/or the serving U.S. Postmaster General, all  
20       alleging “the same grievances.” *Id.* at 7.

21           By his own admission, Mr. McDermott has not met the pre-filing order’s  
22       conditions. (*See* Pr. Compl. at 1 (“I can meet the first condition of clear statement . . . .  
23       However, the Agency has made it impossible for me to meet the other conditions as  
24       explained in this Pleading.”).) Mr. McDermott’s proposed complaint against the U.S.  
25       Postal Service and U.S. Postmaster General is a no more than a jumbled recitation of all  
26       his prior actions with a request for a remedy at the end. (*See generally id.*) He has not  
27       come close to “provid[ing] a clear statement of the factual and legal basis for each claim  
28       asserted, specifically identifying each Defendant against whom the claim is asserted,” or  
29       explaining why the present action—whatever it may be—“is not barred by collateral

1 estoppel, *res judicata*, and/or an applicable immunity.” *McDermott.*, No. C16-0377JCC,  
2 Bar Order at 9. Mr. McDermott’s proposed complaint therefore does not meet the court’s  
3 pre-filing order requirements. Accordingly, the court DISMISSES Mr. McDermott’s  
4 proposed complaint with prejudice.

5 The court finds, however, that sanctions are not appropriate in this case.  
6 Moreover, because the court dismisses Mr. McDermott’s complaint at this stage, the  
7 court DIRECTS the Clerk to return to Mr. McDermott any filing fee(s) he paid in  
8 connection with this matter.

9 Dated this 14th day of June, 2019.

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12 JAMES L. ROBART  
13 United States District Judge  
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